the leadership of CSS over the years, Fr. David Quitugua, Sr. Anita, Mrs. Cerila M. Rapadas, and Sr. Callista Camacho, R.S.M. Together they have brought hope to those in need.

I want to recognize Archbishop Anthony S. Apuron and the Archdiocese of Agana for the continued support of the mission of the Catholic Social Services. Furthermore, I would also like to recognize the generosity of the donors and benefactors of the Catholic Social Services. Their contributions have made it possible for CSS to continue its work and I encourage their continued support.

I want to congratulate the Catholic Social Services on their 25th Anniversary. Although I cannot be with them as they celebrate the occasion, I want to thank them for their service to our people and wish them continued success. Un Dangkulu na Si Yu'os Ma'ase!

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes:

Ms. DEGETTE. Mr. Chairman, I voted in strong support of the Motion to Recommit sponsored by Representative DAVID OBEY and in reluctant support for final passage of H.R. 5025, the Transportation and Treasury Appropriations Act for Fiscal Year 2005.

Politics and a deplorable abuse of the legislative process are holding critical transportation projects across this country hostage. This includes the T–REX project in my district—which has introduced light rail to metro Denver and expanded a vital corridor along I–25. Every federal highway and transit project in this country must be authorized to receive federal funds before the appropriators can release them. Unfortunately, the wheels have fallen off the authorization train this time around.

We in Congress are facing an incredible situation where a Republican-controlled House, a Republican-controlled Senate and a Republican-controlled White House cannot reach an agreement on funding levels for our nation's transportation system. This showdown occurs against a background of ever increasing traffic congestion, as our transportation needs continue to outstrip our will to address them.

As if there weren't enough to raise concern about the authorization process alone, the folly extended to the House's consideration of the transportation funding bill as well. My Republican colleagues from Colorado subjected the appropriations bill itself to numerous points of order that stripped the legislation of funding for transit projects, Amtrak, and even T–REX.

My hometown paper, the Rocky Mountain News, recently described the situation we face today, ''Imagine a major transportation bill that pays for very few roads or transit programs.'' Well, that's what we're stuck with. Do you know why my colleagues decided to strip this much-needed money out of the bill? Because the authorization bill hasn't passed. Well, whose fault is that?

So I support Mr. OBEY's efforts to restore the transit funding to the transportation bill before us here today. I'll vote for final passage, because I hope that all of this absurdity will be remedied in the conference report because, frankly, my constituents don't care about this political wrangling. They care about the transportation crunch across our country, they care about congestion in Denver and they care about real solutions. I will continue to fight against this political posturing and for the real solutions that will get traffic flowing again in my district and across this nation.

PLEDGE PROTECTION ACT OF 2004

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Pledge Protection Act of 2003, H.R. 2028. The operative language of H.R. 2028 is contained in a single provision—Section 2(a):

[n]o court created by an Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation.

Mr. Chairman, we have seen this kind of egregious legislation before in the context of closing federal court doors to claims related to the Defense of Marriage Act. This legislation violates the same principles as that did—supreme court and lower federal court jurisprudence; well-respected legal precedence; the doctrines of the ''separation of powers;'' the doctrine of ''judicial review;'' equal rights and equal protection; the U.S. Constitution; the intent of the original Framers; and others.

H.R. 2028 would preclude any federal judicial review of any constitutional challenge to the Pledge of Allegiance—whether it be in the lower federal courts or in the highest Court in the Land, the U.S. Supreme Court. Effectively, if passed, this extremely vague legislation will relegate all claimants to State courts to review any challenges to the Pledge. This possibility will lead to different constitutional constructions in each of the 50 states. If one of the purported goals of H.R. 2028 is to minimize the amount of cases brought to the federal courts and save the court administration's time, this bill fails miserably. H.R. 2028 ''dumps'' these claims onto the dockets of the State courts which will render different decisions across the board—clearly bad policy.

JUDICIAL REVIEW AND ARTICLE III

Article III of the U.S. Constitution vests ''the Judicial Power of the United States . . . in one supreme court.'' The laundry list of areas which the federal courts have the power to hear and decide under Section 2 of Article III, establishes the doctrine of the ''separation of powers.''

For over 50 years, the federal courts have played a central role in the interpretation and enforcement of civil rights laws. Bills such as H.R. 2028 and H.R. 3313, the Marriage Protection Act—bills to prevent the courts from exercising their Article III functions only mask discrimination.

We cannot allow bad legislation such as this to pass in the House. In the 1970s, some members of Congress unsuccessfully sought to strip the courts of jurisdiction to hear desegregation efforts such as busing, which would have perpetuated racial inequality.

At the height of anti-immigration sentiments in 1996, Congress succeeded in enacting immigration laws that stripped federal courts of the ability to hear appeals by legal immigrants who sought to challenge the harsh deportation laws that were on the books. Some of these laws were so extreme that the Supreme Court ultimately weighed in and struck them down as unconstitutional. As Ranking Member of the House Judiciary Subcommittee on Immigration and Claims, I recognize the importance of the Supreme Court's role in ensuring that fundamental fairness remains the hallmark of the American legal and judicial system.

Minority groups enjoy the freedoms that they now enjoy today because of the wisdom of the Supreme Court. By passing legislation such as H.R. 2028 and H.R. 3313, Congress will set a dangerous precedent that will leave many Americans vulnerable to discrimination and disparate treatment.

The denial of a federal forum for plaintiffs to vindicate their Constitutional rights would preclude a body specifically suited for the analysis of federal interests from doing what it has been created to do under the Constitution. State courts, which will be the ''last shot'' at relief for these plaintiffs, may lack the expertise and independent safeguards provided to federal judges under Article III.

H.R. 2028, as drafted, insulated the Pledge of Allegiance as set forth in section 4 of title 4 of the United States Code from constitutional challenge in the federal courts.

However, the statute and the Pledge are subject to change by future legislative bodies. This means that if some future Congress decides to insert some religiously offensive or discriminatory language in the pledge, the matter would be immune to constitutional challenge in the federal courts.

The Jackson-Lee amendment, which I will offer, provides for an exception to the bill's preclusion that involves allegations of coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the First Amendment.

Closing the doors of the federal courthouse doors to claimants will amount to a coercion of individuals to recite the Pledge and its reference to God in violation of the holding in West Virginia State Board of Education v. Barnette. This case struck down mandatory recitation of the Pledge of Allegiance.

In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted